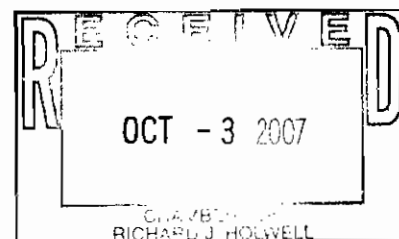
LAW OFFICE OF
ZACHARY MARGULIS-OHNUMA

October 3, 2007

Via FAX (212) 805-7948

Hon. Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



RE: USA v. Mishelevich et al., 06 Cr. 1179 (RJH)

Dear Judge Holwell:

This office represents the defendant Igor Mishelevich in the above-captioned case. I write to request that Mr. Mishelevich's presence be excused at the status conference scheduled for October 19, 2007. I have spoken to AUSA Katie Goldstein and she advises that the government has no objection to this request.

Shortly after the last court appearance, Mr. Mishelevich posted bail and was released into the custody of the State of New Jersey. He pleaded guilty to a pending drug charge in New Jersey and was released prior to sentencing into the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I understand from Deportation Officer Teresa Violano of the Newark office of ICE that Mr. Mishelevich remains in immigration custody pending a 90-day review of his deportation status. The 90-day period ends on October 31, 2007 and Mr. Mishelevich is expected to be released from immigration custody within approximately two weeks thereafter.

The parties are presently engaged in plea negotiations, although, to be frank, those negotiations are proceeding slowly because of the difficulty in communicating with Mr. Mishelevich, who is in custody in New Jersey.

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Because of his detention with INS, I respectfully request that Mr. Mishelevich's presence at the October 19, 2007 status conference be excused. Assuming the next conference is scheduled for at least three weeks later, I would anticipate that Mr. Mishelevich's immigration custody status would be clarified by then. I have spoken to Officer Violano and she indicated to me that, in light of Mr. Mishelevich's likely release by mid-November, it would conserve her agency's resources if Mr. Mishelevich does not need to be transported to the status conference on October 19.

In the alternative, I am advised that in the event that Mr. Mishelevich's presence is required on October 19, 2007, ICE will require a court order to produce him. In that case, an order to produce should be sent to:

Scott Weber
Field Office Director
DHS Immigration and Customs Enforcement
Peter Rodino Jr. Federal Building
970 Broad Street
Newark, NJ 07102
Attn: Teresa Violano

Officer Violano indicated that service by fax is acceptable. For reference, Mr. Mishelevich's alien number is A70 234 249. Officer Violano's telephone number is (973) 776-3327.

Thank you very much for your consideration.

*Mr. Mishelevich's
presence is not required
at the 10/19/07 conference.
SUCCEED*

Very truly yours,

[Signature]
Zachary Margulis-Ohnuma

CC: AUSA Katie Goldstein (via FAX 212-637-2937)
Officer Teresa Violano (via FAX 973-693-4909)
Steven M. Klapisch, Esq. (via FAX 212-889-5697)